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6 **UNITED STATES DISTRICT COURT FOR THE**
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 PETER STROJNIK,

9 Plaintiff,

10 vs.

11 R.F. WEICHERT V, INC. dba JABBERWOCK
12 INN,

13 Defendant.

14 Case No. 5:20-cv-00354-VKD

15 STATUS REPORT RE FIRST AMENDED
16 COMPLAINT

17 Courtroom: 2, 5th Fl.

18 Hon. Virginia K. DeMarchi

1 Defendant R.F. Reichert V. Inc. submits the following response to this Court's Order
2 re Status Report.

3 As the Court is aware, the plaintiff in this case, Peter Strojnik, is a frequent ADA
4 litigant in the Northern District. He typically files a cookiecutter complaint with an
5 "Addendum A" which is the Strojnik Version I complaint. Twelve district courts have
6 ruled that the Strojnik Version I complaint fails to plead standing. Four of those district
7 courts have dismissed Strojnik's complaints with prejudice and the remainder, with leave to
8 amend.

9 Prior to filing the Motion to Dismiss, counsel requested that in light of those rulings,
10 Mr. Strojnik file an amended complaint so that counsel did not have to prepare two motions
11 and waste time and legal fees. Mr. Strojnik refused, and the Motion to Dismiss was filed.
12 Shortly prior to filing a Reply, Mr. Strojnik filed a Strojnik Version II complaint, where he
13 moves the Addendum A into the body of the Complaint and includes a chart of sorts that
14 purports to list all of his medical woes. Four courts currently have Motions to Dismiss
15 Strojnik Version II complaints under submission.

16 Because of the several cases that counsel has with Mr. Strojnik in various federal
17 courts in California, counsel mistakenly misfiled the First Amended Complaint and
18 therefore failed to calendar a response date. Counsel was unaware of this Court's Status
19 Report Order until Mr. Strojnik brought it to counsel's attention last week and cannot
20 locate a copy from counsel's email received via ECF.

21 Although the arguments regarding Mr. Strojnik's lack of standing are virtually
22 identical to those already filed in connection with the Strojnik Version I complaint and the
23 Court could easily apply the same arguments that were made in connection with the
24 original Motion to Dismiss, there *is* a First Amended Complaint on file that replaces the
25 initial complaint and therefore, it makes sense to file a renewed Motion to Dismiss.
26 Although Counsel had thought that he would be able to have completed the renewed
27 Motion by today, counsel was unable to do so.

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1 Counsel apologizes to this Court and Mr. Strojnik for the error and with the Court's
2 indulgence, Defendant anticipates filing the renewed Motion to Dismiss the First Amended
3 Complaint by the close of business on April 14.

4 Respectfully Submitted,

5 STILLMAN & ASSOCIATES

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7 Dated: April 13, 2020

8 By: Philip H. Stillman, Esq.
9 Attorneys for defendant R.F. WEICHERT V, INC.

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PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on April 13, 2020 or as soon as possible thereafter, copies of the foregoing Status Report was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same and via email to Plaintiff's email address listed with this Court.

By: /s/ Philip H. Stillman
Attorneys for R.F. WEICHERT V, INC.